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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

v.

RALPH PRIOLA

Defendant.

CASE NO. 2:13-CR-16-JCM-VCF

**UNOPPOSED MOTION TO  
CONTINUE SENTENCING**

COMES NOW, the United States of America, by and through ANDREW WEISSMANN, Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and ALISON L. ANDERSON, Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, and moves to continue the sentencing hearing as to Ralph Priola presently set for October 29, 2015, at the hour of 10:00 am.

The parties respectfully request this Honorable Court to continue Priola's sentencing hearing until November 17, 2015 at 11:00 am, to accommodate a scheduling conflict.

This is the sixth request for a continuance of this Sentencing date and is a request for a small – 18 day – continuance.

1 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following  
2 reasons:

3 1. Defense and government counsel have a conflict on the current sentencing date.

4 2. The defendant has entered a plea agreement with the United States that requires the  
5 defendant to cooperate with the United States in connection with its ongoing investigation of a  
6 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant is  
7 cooperating with the United States in this investigation, which involves a number of co-  
8 conspirators.

9 3. The defendant's Plea Agreement affords the defendant potential consideration for  
10 downward departures at the time of sentencing if the defendant has provided substantial  
11 assistance to the United States, including the possibility of a United States Sentencing Guideline  
12 (U.S.S.G.) § 5K1.1 Motion. The defendant's sentencing was continued months' ago to after the  
13 *United States v. Markham*, Case No. 2:14-cr-00388-JCM-GWF, trial on September 28, 2015.  
14 The current sentencing date presents a conflict for defense counsel.

15 4. Counsel for the United States has spoken with counsel for the defendant and counsel  
16 has agreed that the requested continuance is in the best interest of justice, and counsel does not  
17 oppose the continuance sought herein.

18 5. The defendant is not in custody.

19 6. Furthermore, denial of this continuance would deny the defendant and the government  
20 of continuity of counsel, given the scheduling conflict.

21 7. The United States also requests an order to exclude the additional time requested by  
22 this continuance in computing the time within which the trial herein must commence pursuant to  
23 the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the  
24 factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).  
25

26 DATED this 7th day of October, 2015.

Respectfully submitted,

ANDREW WEISSMANN  
Chief, U.S. Department of Justice  
Fraud Section, Criminal Division

/s/ Alison L. Anderson  
ALISON L. ANDERSON  
Trial Attorney, U.S. Dept. of Justice  
Criminal Division, Fraud Section

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

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CASE NO. 2:13-CR-16-JCM-VCF

**ORDER**

**FINDINGS OF FACT**

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing date as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the defendant and the government continuity of counsel. This decision is based on the following findings:
  - a. The defendant agreed in his plea agreements to cooperate against his coconspirators in any related indictments and trials.
  - b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation. This sentence was original set months' ago to give the defendant the opportunity to cooperate.
  - c. Defense and government counsel has a conflict with the current time.

1 d. The defendant does not object to the continuance.

2 e. The defendant is out of custody.

3 3. For all the above-stated reasons, the ends of justice would best be served by  
4 continuing the Sentencing date.

5 4. The additional time requested by this Stipulation is excludable in computing the time  
6 within which the trial herein must commence pursuant to the Speedy Trial Act, 18  
7 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections  
8 3161(h)(8)(B)(I) and (v).

9  
10 **ORDER**

11 **IT IS THEREFORE ORDERED** that the sentencing currently set for October 29, 2015,  
12 is vacated and is continued. This delay is excluded from the time within which the trial must  
13 commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section  
14 3161(h)(7)(A). It is further ordered that the defendant's sentencing hearing is set for November  
15 17, 2015, at the hour of 11:00 a.m., in Courtroom #6A.

16  
17 **DATED** October 8, 2015.

18  
19   
20 UNITED STATES DISTRICT JUDGE